

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION  
June 15, 2021**

**DATE DECISION ISSUED**  
January 6, 2021

**CASE TITLE – Anonymous v. Mohamed Nuru, Jeremy Spitz and Public Works**  
(File No. 19097)

**FACTS OF THE CASE**

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

**File No. 19097:** Complaint filed by Anonymous against Mohamed Nuru, Jeremy Spitz and Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On October 20, 2020, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that on August 3, 2019, he sent an Immediate Disclosure Request for government and personal email accounts of several Department of Public Works (DPW) senior managers along with a request for the metadata of those records. Anonymous stated that he requested the electronic format specifically instructing them to not exclude email headings and metadata. Anonymous noted that some of the emails provide a time stamp and some do not. Anonymous also stated that no legal justification for redactions were provided. Anonymous stated that Mr. Steinberg has provided a variety of emails and metadata records in the past. Anonymous asked that the Committee find that these are public records.

David Steinberg, Public Works (DPW) (Respondent), provided a summary of the department's position. Mr. Steinberg stated that in July 2020, he released a number of emails in native format by accident. Mr. Steinberg stated that DPW uses NextRequest which keeps emails related to the request and has changed

the way files are processed. Mr. Steinberg stated that neither he nor his IT team knows how to edit metadata. Mr. Steinberg noted that metadata is not easily generated. Mr. Steinberg pointed out that Anonymous agrees that providing metadata can be a security risk. Mr. Steinberg stated that in his experience when a file is converted to a pdf, it can wipe out other links. Mr. Steinberg noted that Anonymous was notified of the legal justifications for redactions on some of the responsive records. Mr. Steinberg stated that he tried to work with Anonymous before getting his materials to him in a timely manner.

Action: Moved by Member Yankee, seconded by Member Schmidt, to find jurisdiction, that the requested records are public and to refer the matter to the SOTF for hearing.

The motion PASSED by the following vote:

Ayes: 3 - Yankee, Schmidt, Hinze  
Noes: 0 - None

On January 6, 2021, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that this request was made in August 2019 for the 10 emails of various senior management of Public Works. In October 2020, David Steinberg of Public Works began producing emails and then halted responses to this request and it was unclear why. Anonymous stated that the requested information was not initially provided but Public Works has since been correcting their procedures and have been disclosing email headers. Anonymous stated that the response was untimely and requested that the SOTF find a violation of 67.26 for nonminimally withholding and 67.27 for withholding without justification because Public Works also did not provide images, hyperlinks, urls and to, from, cc, and bcc email addresses

David Steinberg, Public Works (Respondent), provided a summary of the department's position. Mr. Steinberg stated that Anonymous mischaracterized their response. Mr. Steinberg stated that at the time of the request he was out of the country. Mr. Steinberg stated the request was in a format that was not easily available. Mr. Steinberg stated that he did not know how to provide emails with metadata and requested assistance from Public Works IT Department. Mr. Steinberg stated that it took more than one year to get the technology to redact security information. Mr. Steinberg stated the original requested was closed and then reopened once they had the ability to redact and provide records by Public Works IT Department. Mr. Steinberg stated that providing responsive records was suspended pending advice from IT and the City Attorney's Office. Mr. Steinberg asked the SOTF find no violation.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

## FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that Mohammed Nuru, Jeremy Spitz and Public Works violated Administrative Code, Section 67.26, by failing to keep withholding to a minimum for images, hyperlink, urls, and email addresses and ordered Public Works to coordinate with the Department of Technology to turn over the remainder of email headers to the over the remainder of email headers to the Petitioner within 60 days. The matter was referred to the Compliance and Amendments Committee to report the status of the disclosure.

## DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member Yankee, second by Member LaHood, to find that Mohammed Nuru, Jeremy Spitz and Public Works violated Administrative Code, Section 67.26, by failing to keep withholding to a minimum for images, hyperlink, urls, and email addresses and ordered Public Works to coordinate with the Department of Technology to turn over the remainder of email headers to the Petitioner within 60 days. The matter was referred to the Compliance and Amendments Committee to report the status of the disclosure.

The motion PASSED by the following vote:

Ayes: 7 - Yankee, LaHood, Hinze, Schmidt, Wong, Hyland, Wolfe  
Noes: 0 - None



Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

cc. Anonymous (Petitioner/Complainant)  
Mohammed Nuru, Jeremy Spitz and Public Works (Respondents)